

1 ADAM PAUL LAXALT
Attorney General
2 BENJAMIN R. JOHNSON, Bar No. 0632
Deputy Attorney General
3 State of Nevada
Bureau of Litigation
4 Public Safety Division
100 N. Carson Street
5 Carson City, NV 89701-4717
Tel: (775) 684-1254
6 E-mail: bjohnson@ag.nv.gov

7 *Attorneys for Defendants*
8 *Quentin Byrne, Tara Carpenter,*
and Anthony Carrasco

9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA

11 KENNETH WILKINS,

12 Plaintiff,

13 vs.

14 BYRNE, et al.,

15 Defendant.

Case No. 3:16-cv-00249-MMD-WGC

**ORDER GRANTING
DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO SERVE
RESPONSES TO REQUEST FOR
PRODUCTION OF DOCUMENTS**

16 Defendants, Quentin Byrne, Tara Carpenter, and Anthony Carrasco, by and through counsel,
17 Adam Paul Laxalt, Attorney General of the State of Nevada, and Benjamin R. Johnson, Deputy
18 Attorney General, hereby move this Court for an enlargement of time to serve their responses and/or
19 objections to Plaintiff's Request for Interrogatories (Second Set). This Motion is based on the
20 following Memorandum of Points and Authorities and all papers and pleadings on file herein.

21 **MEMORANDUM OF POINTS AND AUTHORITIES**

22 **I. INTRODUCTION AND RELEVANT PROCEDURAL HISTORY**

23 Plaintiff Kenneth Wilkins served his untimely Request for Production of Documents on or about
24 January 8, 2018. Pursuant to FED. R. CIV. P. 33(b)(2), a responding party must serve its answers and any
25 objections within thirty (30) days after being served with the interrogatories. Therefore, responses and/or
26 objections to Plaintiff's Request for Interrogatories are due to be served on today's date, February 7, 2018.

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1 Defendants have indicated they need additional time to respond and gather documents. Therefore,
2 counsel respectfully requests an enlargement of time of fourteen (14) days to serve the responses and/or
3 objections to Plaintiff's Request for Interrogatories.

4 **II. ARGUMENT**

5 FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

6 When an act may or must be done within a specified time, the court may,
7 for good cause, extend the time: (A) with or without motion or notice if
8 the court acts, or if a request is made, before the original time or its
9 extension expires; or (B) on motion made after the time has expired if the
10 party failed to act because of excusable neglect.

11 The proper procedure, when additional time for any purpose is needed, is to present a request
12 for extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31
13 F.R.D. 282 (W.D. Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
14 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8
15 F.R.D. 268 (N.D. Ohio 1947).

16 Counsel seeks an enlargement of time to serve the responses and/or objections to Plaintiff's
17 Request for Interrogatories. Defendants' time to serve the responses and/or objections has not expired.
18 This enlargement of time is not made for the purposes of delay or to prejudice Plaintiff. For these
19 reasons, Defendants request an enlargement of time of fourteen (14) days to serve the responses and/or
20 objections to Plaintiff's Request for Production of Documents.

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1 **III. CONCLUSION**

2 Based on the foregoing, Defendants respectfully request that this motion for enlargement of
3 time to serve responses and/or objections to Plaintiff's Request for Production of Documents be granted.

4 DATED this 7th day of February, 2018.

5 ADAM PAUL LAXALT
6 Attorney General

7 By: 
8 BENJAMIN R. JOHNSON
9 Deputy Attorney General
10 State of Nevada
11 Bureau of Litigation
12 Public Safety Division

13 *Attorneys for Defendants*

14 **APPROVED AND SO ORDERED:**

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16 WILLIAM G. COBB
17 U.S. MAGISTRATE JUDGE

18 **DATED:** February 8, 2018